

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

JULIAN VILLEGAS,

Plaintiff,

v.

CIVIL ACTION NO. 1:20-00505

MR. E. KENDRIKS, et al.,

Defendants.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge Omar J. Aboulhosn for submission of findings and recommendations regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge Aboulhosn submitted to the court his Proposed Findings and Recommendation ("PF&R") on December 9, 2021, in which he recommended that the court grant defendants' "Motion to Dismiss, or in the Alternative, Motion for Summary Judgment" (ECF No. 32) and remove this matter from the court's docket. (ECF No. 40.)

In accordance with the provisions of 28 U.S.C. § 636(b), the parties were allotted fourteen days and three mailing days in which to file objections to the PF&R. The failure of any party to file such objections within the time allowed constitutes a waiver of such party's right to a de novo review by this court. See Thomas v. Arn, 474 U.S. 140, 149-50 (1985);

Snyder v. Ridenour, 889 F.2d 1363, 1365-66 (4th Cir. 1989); see also 28 U.S.C. § 636(b) (1) ("A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made." (emphasis added)).

No party filed objections to the PF&R within the required time period. Accordingly, the court adopts the PF&R as follows:

1. Defendants' "Motion to Dismiss, or in the Alternative, Motion for Summary Judgment" (ECF No. 32) is **GRANTED**; and
2. This matter is removed from the court's docket.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented parties.

IT IS SO ORDERED this 24th day of January, 2022.

ENTER:

David A. Faber
David A. Faber
Senior United States District Judge